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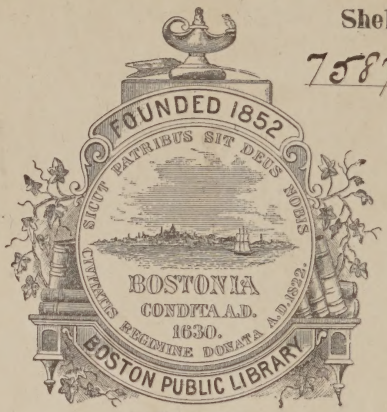

GIVEN BY

Francis J. Garrison
Oct. 17, 1895

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Francis J. Garrison,
Oct. 14, 1895.

THE

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DEFENSIVE LEAGUE OF FREEDOM.

In proposing to form a league for the protection and defence of persons claimed as fugitive slaves, and of persons accused of violating the Fugitive Slave Act of 1850, it is proper to state distinctly what is proposed to be done, and the necessity which exists for some such organization. While the whole resources of the general government are at the service of the Slave Power, — while the slaveholder has the use of United States marshals, commissioners and soldiers, of the State militia, of revenue cutters, and of the treasury of the United States to pay the expense of these agencies, — the colored man, claimed as a fugitive, must provide for his protection as he best can. Commonly poor, ignorant of the law, unexpectedly arrested and with only a day or two to prepare his defence, he must depend upon the accidental aid,

and voluntary unremunerated service, of whoever is willing to defend him. In like manner, if, from an impulse of humanity, or a sense of duty, a man receive a fugitive slave into his house, give him food and lodging, and help him on his way, he is liable to be dragged before a United States judge and exposed to heavy expenses in addition to fines which may swallow up the whole of his property. If these were only possible cases, we should not need any new organization; but they have occurred, and are occurring; and there is no existing organization which is able to meet the actual present necessity. We, therefore, propose to organize a league, the distinct object of which shall be to secure the fullest legal protection to persons claimed as fugitive slaves, and to persons accused of violating the Fugitive Slave Bill; and, also, to indemnify such persons against costs, fines, and expenses, whenever they shall seem to deserve indemnification.

The object of this Union, it will be seen, is legal, peaceable, and open. We do not propose to make any forcible resistance to the laws, nor to make a crusade into the slaveholding States for the purpose of freeing the slaves. Our organization will neither censure nor praise those who do these things, but such is not our object. Our distinct purpose is to see that no man is

beaten down by the Slave Power, without an adequate defence; that no man shall be crushed by the immense resources of the United States Government, without help from his fellow-citizens; and that no man is ruined for such simple acts of humanity, as we should feel it our duty to do ourselves under his circumstances. A singularly cruel and stern law is now in operation through the United States, for the support of a tyrannical and evil institution. We do not think it right that men should be ruined for disobeying a law which commands them to do what (as they and we believe) God has forbidden. If we agree with them in their convictions, it is only right that we should take our share of the penalty. We would, moreover, by means of this union, present a broad front of moral resistance to the execution of this law, and so increase the great public opinion of freedom that it shall be impossible to arrest a fugitive in this part of the Union. This league will act, meantime, as a society of mutual protection, and every member shall thereby assume his portion of such penalties as would otherwise fall with crushing weight on a few individuals.

We will now proceed to show that such a Union is needed.

The Fugitive Slave Act, approved Sept. 18, 1850, declares that any person who shall knowingly and wilfully obstruct, hinder, or prevent the arrest of a fugitive from slavery, or shall aid, abet, or assist such person, owing labor or service, to escape from such claimant, or shall harbor or conceal such fugitive, shall be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, besides forfeiting, as civil damages, the sum of one thousand dollars for each fugitive lost. The law also commands all good citizens to aid and assist in arresting such fugitives, to be taken back into slavery.

Under this law and the previous law of 1793, many cases have occurred, from which we select the following as examples.

In 1847, there resided in the town of Marshall, in Michigan, a colored family, consisting of Adam Crosswhite, his wife, and five children. He was sober, industrious, honest, — supporting himself and family by his labor, — his wife a member of the methodist church, and his children attending the schools. Suddenly, one morning, a party of Kentuckians appeared, claiming him and his family as slaves. A crowd assembled, at the news, the Kentuckians drew pistols, and were arrested for breach of the peace. Mean-

while Crosswhite and his family escaped, and went to Canada. A suit was instituted, founded on the law of 1793, and brought in the Circuit Court of the United States, against some of the individuals in the crowd; and, at a second trial, a verdict was obtained, amounting, with expenses and cost, to six thousand dollars, which three individuals were obliged to pay.

In 1848, a family of thirteen slaves, escaping from Maryland to the North, took refuge in the barn of Daniel Kauffman, of Cumberland County, Pennsylvania. He gave them food and shelter, put them in his wagon, and helped them on their way. For this offence he was prosecuted, and sentenced to pay a fine, amounting, with costs, to two thousand dollars. He appealed to the Supreme Court of the State, and the decision was reversed. Judge Coulter delivered the opinion of the Bench, and in the course of his remarks used the following language: —

"The true question in this aspect of the case ought to be and is, whether, in the State of Pennsylvania, a citizen who gives a cup of water and a morsel of bread to famishing women and children, and permits them to rest a few hours in his barn, when they are supplicants to his mercy, or even gives them a lift in his wagon, even if it should turn out that they are

fugitives from slavery to freedom, does by that offer of mercy and compassion break the law, and make himself liable to their price in the mart where men, women, and children are bought and sold?"

After this a new suit was commenced before Judge Grier, in the United States Circuit Court. After several hearings, a verdict was obtained against Kauffman, amounting, with cost and expenses, to more than four thousand dollars. A large part, if not the whole, of this sum was paid for Mr. Kauffman and his friends, by contributions.

Thomas Garrett, of Wilmington, Delaware, after helping many slaves to escape, was indicted, convicted, and sentenced to pay a sum which consumed all his property. When the Marshal took from him this amount, he said, "I suppose this will teach you, Mr. Garrett, to be more careful hereafter." Mr. G.'s reply was, "You have now taken my last dollar, but if you hear of any fugitives from slavery, who need shelter, send them to me."

Sherman M. Booth and John Rycroft, of Milwaukee, Wisconsin, were lately convicted of aiding in the rescue of the fugitive Glover, and sentenced, by Judge Miller, of the United States Court, to pay fines of one thousand and two hundred dollars, together

with imprisonment. The Milwaukee Marshal and Clerk of the Court selected the jury, in this case, in defiance of a law of Congress to the contrary, and Judge Miller told the jury, in his charge, that he alone was judge of the law; that the defendant was guilty, and that it was their duty to convict. Three of the jurors, after agreeing to the verdict, adopted the following resolution: —

"Resolved, That while we feel ourselves bound by a solemn oath to perform a most painful duty, in declaring the defendant guilty of the above charge, and thus making him liable to the penalties of a most cruel and odious law, yet at the same time, in so doing, we declare that he performed a most noble, benevolent, and humane act, and we thus record our condemnation of the Fugitive Slave Law, and earnestly commend him to the clemency of the Court."

The Supreme Court of the State of Wisconsin, has since nobly distinguished itself by discharging Booth and his companions from imprisonment. But they have been afterward prosecuted in a civil suit for damages before the same Judge Miller.

In 1854, Rush R. Sloan, of Sandusky, Ohio, was prosecuted under the Fugitive Slave Law, and sentenced to pay nearly four thousand dollars by the U. S.

Court, for simply doing his duty as counsel for some persons claimed as fugitives, advising his clients that he could not ascertain that they were held by any legal process, and that, therefore, they were at liberty to go where they chose.

And, in addition to all this, we have the trials in Mass., of Theodore Parker, and Wendell Phillips, for speaking in Faneuil Hall in behalf of liberty, at the time of the Burns rendition. With this case, we are all familiar. It will be seen from these facts, that there is a real necessity for such a union as we propose. It is evident that the U. S. Courts, knowing how obnoxious is the Fugitive Slave Law, feel that it can be only enforced by a system of intimidation. By severe penalties inflicted on individuals, they hope to put down opposition to this law. If a man is to run the risk of being ruined who shelters the Fugitive, who aids him to escape from his pursuers, who does his duty as his legal counsel, or who publicly denounces the iniquity of slave-catching, it is supposed that the Slave Law will be easily enforced. The great object, therefore, is to punish severely all who in any way oppose its execution. This is accomplished first, by large instructions to the Grand Jury of the U. S. Courts, making it a crime against the Statute to

say or do anything in consequence of which the fugitive escapes; secondly, by putting such questions to the petit jury as shall exclude all those who do not believe that the safety of the Union depends on the rendition of fugitives; and thirdly, by directing them that they are not to judge of the law, but only of the fact. In this way, it is too easy to secure a verdict against the defendant. All that we can do is to see that he shall have proper counsel, and if unjustly convicted, or convicted of doing justly, to take our share of the penalty, by contributing to the expenses which he has incurred. Such is the purpose of this league; and it is one which we need not be ashamed to avow openly as legal, proper, and eminently necessary at the present time.

CONSTITUTION.

ARTICLE I.

The name of this Association shall be THE DEFENSIVE LEAGUE OF FREEDOM.

ARTICLE II.

The object of this Association shall be, to secure to all persons claimed as fugitives from Slavery, and to all persons accused of violating the Fugitive Slave Bill, the fullest legal protection; and also to indemnify all such persons against costs, fines, and expenses whenever they shall seem to deserve such indemnification.

ARTICLE III.

All persons may become members of the League by signing the Constitution, and paying one dollar as entrance money, and also by subscribing such sum as he or she may choose, which subscription is liable to an assessment according as it is needed, but not to exceed five per cent. per annum, on the amount subscribed.

ARTICLE IV.

The officers of this Association shall consist of the President, Vice President, Secretary, Treasurer, and Central Committee, to be chosen every year, at the Annual Meeting.

ARTICLE V.

The Central Committee shall consist of one member from every County in the State, to whom shall be added the

President, Vice President, Secretary, and Treasurer, and five other members chosen at large.

ARTICLE VI.

The duty of the Central Committee shall be to obtain subscribers to the League through the State; to collect and distribute the funds; to call meetings, and generally to conduct and control the affairs of the Association. Five shall constitute a business quorum.

ARTICLE VII.

This Constitution can be changed at any meeting of the League, called for that purpose by the Central Committee, due notice being given.

NOTE. — Persons receiving this pamphlet, who may wish to become members of the League, are requested to send their names to any of the following persons, mentioning the amount they choose to subscribe in addition to the entrance fee of one dollar. It will be seen that only five per cent. per annum of this subscription can be called for. Thus any person willing to pay five dollars a year when needed, will subscribe one hundred dollars; if he is willing to pay ten dollars a year, he will subscribe two hundred dollars. If no case shall arise during the year calling for aid, then no assessment will be levied on subscriptions. As soon as names are received, a meeting of the League will be called for organization, and the officers for the year will be chosen.

ELLIS GRAY LORING,
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HENRY J. PRENTISS,
No. 19 Water Street.

JAMES FREEMAN CLARKE,
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